In *Eaves* v. *Savings Bank*, 27 Conn. 229, 71 Am. Dec. 59, the rule was similar to that in the principal case, namely, that on account of the difficulty in identifying depositors, any person bringing the bank book of the depositor should, in the absence of suspicious circumstances, be taken to be the depositor or to have an order from him. It was held that, where distinct notice to the depositor of this rule was not shown, a forged order was no defense to plaintiff's action. *Kelley* v. *Savings Bank*, 2 Daly (N. Y.), 277, and *Appleby* v *Savings Bank*, 62 N. Y. 12, were cases in which the banks were held to be protected by their regulations; but in *Kummel* v. *Germania Savings Bank*, 127 N. Y., 13 L. R. A. 786, the bank was held, as in the principal case, in no way relieved by its regulation from "active vigilance to detect fraud and forgery."

BASTARDS—RIGHT TO INHERIT.—Under sec. 2916, Revised Statutes of Missouri, taken from the Virginia statute (now sec. 2552, Code of Virginia, 1887), providing that "bastards shall be capable of inheriting and transmitting inheritance on the part of their mother, as if lawfully begotten," a bastard may inherit from the brother of his mother who dies after her. *Moore* v. *Moore* (Mo.), 69 S. W. 278. Citing *Marshall* v. *R. Co.*, 120 Mo. 275, holding that the mother had a right of action under the Missouri statute for damages for the death of her bastard son.

The able opinion in the principal case is by Brace, J., and contains a full review of the American decisions, especially those of Virginia, which it adopts outright, following the case of *Butler* v. *Land Co.*, 84 Ala. 384, in which this language is used: "We adopt the view of the Virginia court as being more in accordance with the principles of justice and the enlightened and liberal policy of modern legislation on this subject."

The Virginia cases in question are *Garland* v. *Harrison*, 8 Leigh, 368; *Hepburn* v. *Dundas*, 13 Gratt. 219, and *Bennett* v. *Toler*, 15 Gratt. 588, 78 Am. Dec. 638.

The Missouri court overrules its own decision in *Bent's Adm'r* v. *St. Vrain*, 30 Mo. 268, decided in 1860, upon the authority of *Stevenson* v. *Sullivant*, 5 Wheat. 260, and also cites several decisions holding a bastard incapable under the statute in question of transmitting an estate by descent to his mother or to his illegitimate brother. But, says the court, "Under any and all of these statutes, and of the rulings of the courts thereupon, the plaintiff in this case, if his mother had survived her brother, would unquestionably have inherited from or through her an undivided fourth interest in the real estate in question. But she having died first, under the ruling in the Stevenson and the earlier Ohio and the Kentucky cases he inherits through her nothing from his mother's brother, and has no interest in the premises, although he is, in the language of the statute, 'the de scendant' of the intestate's sister, and the statute declares him 'capable of inheriting on the part of his mother in like manner as if he had been lawfully begotten of her.' Reasoning upon the same lines as in those cases, similar rulings have been made upon statutes substantially the same in other States. *Pratt* v. *Atwood*, 108 Mass. 40; *Curtis* v. *Hewins*, 11 Metc. (Mass.) 294; *Williams* v. *Kimball*, 35 Fla. 50, 16 South. 783, 26 L. R. A. 746, 48 Am. St. Rep. 238.

"On the other hand, under the rulings in the Virginia, the later Ohio, and Vermont cases cited, the fact of descent cast after the death of the mother would make no difference in his right of inheritance, and he would take the same in-

terest in his uncle's real estate as he would have taken if his mother had survived her brother. In many other States having statutes substantially the same as the Virginia statute—and none others need be considered—like rulings have been made. *Briggs* v. *Greene*, 10 R. I. 495; *McGuire* v. *Brown*, 41 Iowa, 650; *Gregley* v. *Jackson*, 38 Ark. 487; *Butler* v. *Land Co.*, 84 Ala. 384, 4 South. 675. And under the rulings of the Supreme Court of the State of Connecticut on the general statutes of descents of that State, in which no such provision for this class of persons is made, it is held that illegitimate children may inherit to the mother, or to any relative lineal or collateral on the mother's side. *Dickinson's Appeal*, 42 Conn. 491, 19 Am. Rep. 553; *Heath* v. *White*, 5 Conn. 228; *Brown* v. *Dye*, 2 Root. 280.

"There is perhaps, however, not a State in the Union in which a statute of a similar character has not been enacted to relieve a class of beings who, under the harsh maxims of the common law, were made to bear the iniquities of their parents. 24 Am. & Eng. Enc. Law, 414; Schouler, Dom. Rel., sec. 277; 2 Kent Comm., sec. 209. This legislation, in the language of Chancellor Kent, 'rests upon the principle that the relation of parent and child, which exists in this unhappy case in all its native and binding force, ought to produce the ordinary legal consequences of that consanguinity.'"

As to whether the Virginia statute referred to repeals the common law rule expressed in the maxim *qui ex damnato coitu nascuntur, inter liberos non computentur*, see 5 Va. Law Reg. 111. In *Bennett* v. *Toler*, 15 Gratt. 588, it was held that such is the effect, but a contrary view is taken in *Johnstone* v. *Taliaferro* (Ga.), 32 S. E. 931, distinguishing the Virginia case.

How Far May the Legislature Legalize What Would Otherwise be a Nuisance.—In *Georgia R. R. & Banking Co.* v. *Maddox* (Ga.), 42 S. E. 315, it was held that the operation of a railroad terminal yard, located and operated by legislative authority, and conducted in a proper manner, cannot be enjoined as a nuisance by neighboring property owners, though the operating of the yard seriously interferes with the comfort of adjoining proprietors by reason of the noise, vibration, smoke and cinders. The court said in part:

"From what we have said above, it is seen that the terminal yard, the operation of which the defendants in error seek to enjoin, was located, and its construction authorized, under statutory powers. In such cases the general rule, supported practically by an almost unbroken line of authorities, is that a work so located and constructed, if constructed and operated in a proper manner, cannot be adjudged a nuisance. This applies with special force to works thus authorized to facilitate transportation on railroads, which are of a quasi public nature. 19 Am. & Eng. Enc. Law (1st ed.) 923, 924, and notes; 4 Wait, Act. & Def. p. 784; 2 Elliott, R. R., sec. 718, and note; 1 Wood R. R., sec. 212; 2 Wood, Nuis., sec. 753; 1 High, Inj. (3d ed.), sec. 767; *Vason* v. *Railroad Co.*, 42 Ga. 631; *Burrus* v. *City of Columbus*, 105 Ga. 42, 31 S. E. 125; *Beideman* v. *Railroad Co.* (N. J. Ch.) 19 Atl. 731; *City of Leavenworth* v. *Douglass* (Kan. Sup.), 53 Pac. 123; *Attorney General* v. *Railroad Co.*, 24 N. J. Eq. 49; *Hinchman* v. *Railroad Co.*, 17 N. J. Eq. 75, 86 Am. Dec. 252; *Watson* v. *Railway Co.* (W. Va.), 39 S. E. 193. See, also, *Bacon* v. *Walker*, 77 Ga. 336; *Railroad Co.* v. *Cox*, 93 Ga. 564, 20 S. E. 68; *Long* v. *City of Elberton*, 109 Ga. 28, 34 S. E. 333, 46 L. R. A. 428, 77 Am. St. Rep. 363.

"From this rule, it follows that injuries and inconveniences to persons residing near such works from noises of locomotives, rumbling of cars, vibrations